

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 1213 & 1214
99TH GENERAL ASSEMBLY

1947H.05C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 590.650, RSMo, and to enact in lieu thereof one new section relating to prohibitions against unlawful policing.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 590.650, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 590.650, to read as follows:

590.650. 1. **The provisions of this section shall be known and may be cited as "The Fourth Amendment Affirmation Act"**. As used in this section, [~~"minority group" means individuals of African, Hispanic, Native American or Asian descent~~] **the following terms mean:**

(1) **"Benchmark"**, the number used as a basis of comparison in determining possible disparities;

(2) **"Consent search"**, a search authorized by the consent of the individual, not by probable cause;

(3) **"Contraband"**, illegal drugs, guns, or other objects that may warrant an arrest;

(4) **"Explicit bias"**, a prejudice, such as racism, against a group of individuals involving animosity and consciously recognized by the individual although not necessarily admitted publicly;

(5) **"Hit rate"**, the rate of searches in which contraband is found. The hit rate is calculated by dividing the number of searches that yield contraband by the total number of searches. Hit rate may be calculated for individual officers, agencies, or multiple agencies;

(6) **"Implicit bias"**, a prejudice not consciously recognized by the individual but which can be in conflict with the individual's conscious values and affect behavior, resulting in embarrassment or regret;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 19 (7) "Investigative stop", a law enforcement activity in which an individual is briefly
20 detained based upon reasonable suspicion, accompanied by articulable facts about the
21 individual, indicating the possibility of criminal behavior. Investigative stops include:
- 22 (a) Agency initiated investigations;
 - 23 (b) Officer initiated investigations, including pretext stops;
 - 24 (c) Responses to calls for service; and
 - 25 (d) Responses to license plate readers or scans;
- 26 (8) "Law enforcement activity", certain activities conducted by a peace officer
27 including:
- 28 (a) Stops; actions taken in the course of making a traffic or pedestrian stop;
 - 29 (b) Post-stop activities; actions officers take after making a stop;
 - 30 (c) Searches; searches based on probable cause or consent, including aspects of the
31 search; and
 - 32 (d) Arrests; detentions for which arrest charges are filed;
- 33 (9) "Limited
34 search", a law enforcement activity in which a peace officer conducts a limited pat-down
35 of a pedestrian or driver, or a restricted search of his or her vehicle for weapons, not
36 including areas of the vehicle that are not immediately accessible to the driver, when there
37 are specific and articulable facts which, taken together with rational inferences from those
38 facts, would lead a peace officer to reasonably believe the individual is armed and presently
39 dangerous to the officer or others;
- 40 (10) "Minority group", individuals of African, Hispanic, Native American, or Asian
41 descent;
- 42 (11) "Pedestrian stop", an encounter between a peace officer and a civilian that
43 involves an investigatory detention based on a reasonable suspicion of wrongdoing;
- 44 (12) "Pretext stop", a stop for which the peace officer cites a criminal violation but
45 which would not have been made except for the officer's concern that other violations
46 might be involved;
- 47 (13) "Racial or ethnic group", a population of individuals perceived as White or
48 Caucasian, Black or African American, Hispanic or Latino, American Indian or Alaska
49 Native, Asian, multiracial, or other;
- 50 (14) "Rate of law enforcement activity", depending on specific circumstances, the
51 rate shall be:
- 52 (a) For categories of stops, the proportion of incidents affecting a group divided by
53 its benchmark, the proportion that group is of the general population;
 - 54 (b) For categories of searches, the number of searches affecting a group divided by
the number of stops for that group;

(c) For contraband found, the hit rate, the number of searches for a group in which contraband is found divided by the number of searches for that group; and

(d) For other categories of post-stop activities, the number of incidents affecting a group divided by the number of stops for that group;

(15) "Ratio of disparity", the ratio of the rate of stops or other peace officer activities for the individuals of a minority group to the rate for Caucasian individuals;

(16) "Significant disparity", a ratio of disparity that is over one hundred twenty-five percent of the overall state disparity for any minority group for that category of officer activity after adjustments have been accepted by the attorney general for factors other than bias that are contributing to the disparity;

(17) "Significant disproportion", a ratio of disparity that is over one hundred twenty-five percent of the overall state ratio of disparity for any minority group for that category of peace officer activity;

(18) "Sobriety checkpoint or roadblock", a law enforcement activity in which public safety justifies all vehicles be stopped without probable cause or reasonable suspicion;

(19) "Systemic bias," institutional bias, rather than individual bias, as evident in a significant disparity or other measure of disproportion;

(20) "Unlawful policing", occurs in circumstances in which the peace officer's actions are based in whole or in part on the real or perceived race, ethnicity, religious beliefs, gender, English language proficiency, status as a person with a disability, or national origin of a person rather than upon lawful and appropriate law enforcement procedures based on observed behavior or facts about the individual indicating criminal activity. "Unlawful policing" does not include investigations of alleged crimes when law enforcement must seek out suspects who match a specifically delineated description.

2. ~~[Each time a peace officer stops a driver of a motor vehicle, that officer shall report the following information to the law enforcement agency that employs the officer:~~

~~—— (1) The age, gender and race or minority group of the individual stopped;~~

~~—— (2) The reasons for the stop;~~

~~—— (3) Whether a search was conducted as a result of the stop;~~

~~—— (4) If a search was conducted, whether the individual consented to the search, the probable cause for the search, whether the person was searched, whether the person's property was searched, and the duration of the search;~~

~~—— (5) Whether any contraband was discovered in the course of the search and the type of any contraband discovered;~~

~~—— (6) Whether any warning or citation was issued as a result of the stop;~~

- 91 ~~—— (7) If a warning or citation was issued, the violation charged or warning provided;~~
92 ~~—— (8) Whether an arrest was made as a result of either the stop or the search;~~
93 ~~—— (9) If an arrest was made, the crime charged; and~~
94 ~~—— (10) The location of the stop.~~

95 ~~Such information may be reported using a format determined by the department of public safety~~
96 ~~which uses existing citation and report forms.~~

97 ~~—— 3. (1) Each law enforcement agency shall compile the data described in subsection 2 of~~
98 ~~this section for the calendar year into a report to the attorney general.~~

99 ~~—— (2) Each law enforcement agency shall submit the report to the attorney general no later~~
100 ~~than March first of the following calendar year.~~

101 ~~—— (3) The attorney general shall determine the format that all law enforcement agencies~~
102 ~~shall use to submit the report.~~

103 ~~—— 4. (1) The attorney general shall analyze the annual reports of law enforcement agencies~~
104 ~~required by this section and submit a report of the findings to the governor, the general assembly~~
105 ~~and each law enforcement agency no later than June first of each year.~~

106 ~~—— (2) The report of the attorney general shall include at least the following information for~~
107 ~~each agency:~~

108 ~~—— (a) The total number of vehicles stopped by peace officers during the previous calendar~~
109 ~~year;~~

110 ~~—— (b) The number and percentage of stopped motor vehicles that were driven by members~~
111 ~~of each particular minority group;~~

112 ~~—— (c) A comparison of the percentage of stopped motor vehicles driven by each minority~~
113 ~~group and the percentage of the state's population that each minority group comprises; and~~

114 ~~—— (d) A compilation of the information reported by law enforcement agencies pursuant to~~
115 ~~subsection 2 of this section.~~

116 ~~—— 5. Each law enforcement agency shall adopt a policy on race-based traffic stops that:~~

117 ~~—— (1) Prohibits the practice of routinely stopping members of minority groups for~~
118 ~~violations of vehicle laws as a pretext for investigating other violations of criminal law;~~

119 ~~—— (2) Provides for periodic reviews by the law enforcement agency of the annual report of~~
120 ~~the attorney general required by subsection 4 of this section that:~~

121 ~~—— (a) Determine whether any peace officers of the law enforcement agency have a pattern~~
122 ~~of stopping members of minority groups for violations of vehicle laws in a number~~
123 ~~disproportionate to the population of minority groups residing or traveling within the jurisdiction~~
124 ~~of the law enforcement agency; and~~

~~———— (b) If the review reveals a pattern, require an investigation to determine whether any peace officers of the law enforcement agency routinely stop members of minority groups for violations of vehicle laws as a pretext for investigating other violations of criminal law, and~~

~~———— (3)]~~ **Each law enforcement agency in this state shall adopt a policy prohibiting unlawful policing that** provides for appropriate counseling and training of any peace officer found to have engaged in ~~[race-based traffic stops within ninety days of the review]~~ **unlawful policing.** The course or courses of instruction and the guidelines shall stress understanding and respect for racial and cultural differences, and development of effective, noncombative methods of carrying out law enforcement duties in a racially and culturally diverse environment.

~~[6. If a law enforcement agency fails to comply with the provisions of this section, the governor may withhold any state funds appropriated to the noncompliant law enforcement agency.~~

~~———— 7.]~~ **3.** Each law enforcement agency in this state may utilize federal funds from community-oriented policing services grants or any other federal sources to equip each vehicle used for traffic stops with a video camera and voice-activated microphone.

~~[8. A peace officer who stops a driver of a motor vehicle pursuant to a lawfully conducted sobriety check point or road block shall be exempt from the reporting requirements of subsection 2 of this section.]~~

4. Each member of a law enforcement agency in this state, including any civilian employee or party contracted by the law enforcement agency, is prohibited from engaging in unlawful policing.

5. Each law enforcement agency shall promulgate internal policies to control unlawful policing, including:

(1) A stated prohibition of unlawful policing consistent with the definitions of unlawful policing under subsection 1 of this section;

(2) Submitting such policy to the attorney general for verification as to its adequacy. The agencies shall notify the attorney general when changes are made to the policy so that the attorney general can update verification;

(3) Provisions for training on unlawful policing;

(4) Provisions requiring for all investigative stops documentation of specific and articulable facts about the individual that, taken together with rational inferences from those facts, lead the peace officer to reasonably believe the individual is involved in criminal activity;

(5) Procedures aimed at decreasing unlawful policing in the administration of consent searches, which shall include the following provisions:

160 (a) A peace officer shall have specific and articulable facts about the individual
161 that, taken together with rational inferences from those facts, lead the peace officer to
162 reasonably believe the individual is involved in criminal activity;

163 (b) The peace officer shall document in writing such specific articulable facts about
164 the circumstances leading to the consent of individual searches or a single documentation
165 leading to the consent of multiple searches if multiple searches take place under the same
166 circumstances at or near the same time;

167 (c) Prior to conducting a consent search of a person or the person's effects, a peace
168 officer shall communicate in spoken or written form in a language that the person being
169 questioned clearly understands that voluntary consent authorizes the search, that the
170 authority of the search cannot be challenged in court if consent is given, that the person is
171 being asked to voluntarily consent to a search, and that the person has the right to refuse
172 the request to search;

173 (d) After providing such advisement, a peace officer shall request, in plain
174 language, that the person subject to the search provide voluntary written, audio, or video
175 consent to the search;

176 (e) The peace officer shall document whether the person subject to search provides
177 written, video, or audio consent;

178 (f) The peace officer may refrain from asking for consent when probable cause has
179 been observed;

180 (g) Any evidence obtained as a result of a search prohibited by this section shall be
181 inadmissible in any judicial proceeding; and

182 (h) Nothing contained in this subsection shall be construed to preclude any search
183 otherwise based upon any legally sufficient cause;

184 (6) Procedures for requesting personal information from drivers or from
185 pedestrians during a pedestrian stop, including:

186 (a) When the motor vehicle has been stopped solely for a traffic violation, a peace
187 officer shall only request the following documentation from drivers of motor vehicles: a
188 driver's license or other verifiable, government-issued identification, including foreign-
189 issued identification; motor vehicle registration; and proof of insurance, unless there exists
190 reasonable suspicion or probable cause of criminal activity;

191 (b) No passenger of a motor vehicle shall be requested to provide identification or
192 any other documentation by a peace officer when the motor vehicle has been stopped solely
193 for a traffic violation, unless there exists reasonable suspicion or probable cause of criminal
194 activity; and

(c) When not engaged in a pedestrian stop or a stop motivated by probable cause or reasonable suspicion, the peace officer shall remain mindful and respectful of the citizen's Fourth and Fifth Amendment rights; and

(7) Procedures for recording the perceived language proficiency and disabilities, if any, of individuals stopped.

6. Each time a peace officer stops a driver of a motor vehicle or completes a pedestrian stop, the officer shall report, based on his or her perceptions, at least the following information in a format determined by the Missouri department of public safety:

(1) The real or perceived racial or ethnic group, age, gender, and status as a person with a disability of the individual stopped;

(2) Whether the stopped individual appears to understand officer instructions;

(3) Whether the individual resides in the jurisdiction in which he or she was stopped;

(4) The reason or reasons leading to the stop including, but not limited to, moving violation, equipment defect, invalid license plate, sobriety checkpoint, roadblock, investigative stop, disorderly conduct, panhandling, jaywalking, illegal possession of a weapon, call for service, marijuana possession, and drug offense;

(5) How the alleged violations were detected including, but not limited to, officer observation, radar, and scanner;

(6) The time, date, location, and duration of the stop; and

(7) Post-stop activities including, but not limited to:

(a) Whether any physical force was used;

(b) Whether a mental health professional was consulted at the scene;

(c) Under what authority the stopped individual was searched including, but not limited to, probable cause, consent, inventory, drug or alcohol odor, incident to arrest, plain view contraband, reasonable suspicion-weapon, and drug dog alert;

(d) If a peace officer summoned a drug dog, if the drug dog alerted and if the search found contraband;

(e) Stop outcome including, but not limited to, citation, warning, arrest, and no action;

(f) If contraband was found and what type of contraband was found including, but not limited to, drugs, alcohol, paraphernalia, currency, weapons, and stolen property;

(g) If the stopped individual was handcuffed before arrest;

(h) If a peace officer asked for consent to a search, if consent was received and how that consent was documented including, but not limited to, signature, audio recording, or video recording;

(i) If individuals in the vicinity of or accompanying the stopped individual were searched;

(j) What areas of a vehicle or person were searched including, but not limited to, possessions, clothing, and electronic devices; and

(k) If a vehicle was towed.

7. Each law enforcement agency shall:

(1) Compile the annual data, which includes all the information from subsection 6 of this section, on the standardized forms determined by the department of public safety for vehicle stops and pedestrian stops;

(2) Submit the form to the attorney general no later than March first of the following calendar year;

(3) Update the compiled data and conspicuously publish the data on the respective law enforcement agency's website on a monthly basis;

(4) Maintain all data collected under this section for not less than ten years; and

(5) Provide for the protection of the privacy of individuals whose data is collected by not providing to the public the individual names and identifying information regarding the particular peace officers who made the stops and the pedestrians, drivers, and passengers who were stopped.

8. (1) The attorney general shall analyze the annual data compilations of law enforcement agencies required under this section and submit a report of the findings to the governor, the general assembly, the judiciary, and each law enforcement agency no later than June first of the following calendar year. The report shall use best practices to identify as clearly as possible situations in which racial and ethnic groups are disproportionately affected by law enforcement activity so that further analysis may be conducted to determine whether explicit, implicit, or systemic bias may be contributing factors.

(2) The attorney general's report shall include specific information on each law enforcement agency, including compilations of the information reported by them under subsection 7 of this section. This section shall be called agency data.

(3) The attorney general's report shall include statewide totals of all the categories of law enforcement activity reported by law enforcement agencies. This section shall be called statewide data.

(4) The agency data section and the statewide data section of the attorney general's annual report shall include analysis of all categories of stops, including total numbers of drivers or pedestrians stopped, searched, or arrested.

(5) The agency data section and the statewide data section of the attorney general's annual report shall include subsections analyzing all categories of stops on the basis of the ethnic and racial group proportions of drivers and pedestrians. These subsections shall be called group proportion data.

(6) The group proportion data subsections shall include rates for each racial and ethnic group based on census data for each jurisdiction or alternatives as described in this section. For the statewide group proportion data subsection, rates shall be based on statewide group proportions. The rates shall be a group's proportion of stops in each category divided by its benchmark proportion of the drivers or pedestrians.

(7) The group proportion data subsections shall include disproportions expressed as ratios of disparity for each stop category. The ratios of disparity shall be each group's rate divided by the Caucasian group's rate. In instances in which discrimination may affect the Caucasian population, the attorney general may issue a supplemental section to his or her group proportion data subsection in which the ratios of disparity shall be each group's rate divided by the overall rate for all minority groups.

(8) The benchmarks for analyzing stop data shall be determined by the attorney general following best practices. In line with best practices, the attorney general shall conduct a transient population study. The results of such transient population study may be used as a benchmark that may be compared to alternative benchmarks proposed by community groups. An alternative benchmark:

(a) May be based on group proportions for the jurisdiction in the most recent census;

(b) May include adjustments of the census proportions following best practices such as:

a. A race and ethnicity spatial weighting data analysis including, but not limited to, a transient population study;

b. Race and ethnicity specific data from observational surveys of motorists;

c. Race and ethnicity specific data about traffic accidents in which the driver is not found to be at fault;

d. Data derived from the United States Department of Transportation National Household Transportation Survey; or

e. Other benchmarks accepted by recognized experts or a combination of the benchmark measures listed in this subdivision; and

(c) Shall report the disproportions expressed as ratios of disparity: the rate for the drivers of each minority group divided by the rate for Caucasian drivers, and the rate of pedestrians of each minority group divided by the rate for Caucasian pedestrians.

(9) The agency data and statewide data sections shall include subsections analyzing post-stop peace officer outcomes including, but not limited to, citations and warnings given, and arrests made, as well as vehicles towed, based on the group proportions of drivers who have been stopped and on the group proportions of pedestrians who have been stopped. These subsections shall be called post-stop outcome data.

(a) The post-stop outcome data subsections of the attorney general's annual report shall include rates for each racial and ethnic group for each category of post-stop activity based on the benchmark of group proportions of stops.

(b) The rates shall be the group's proportion of incidents in each category divided by the group's proportion of stops.

(c) The disproportions shall be expressed as ratios of disparity: the rate for the drivers of each minority racial and ethnic group divided by the rate for Caucasian drivers or the rate for the pedestrians of each minority racial and ethnic group divided by the rate for the Caucasian pedestrians.

(10) The attorney general's report shall include a section ranking agencies on the basis of their ratios of disparity for categories of officer actions most likely to involve bias. The rankings shall take into account numbers of incidents. The rankings shall not be taken to prove unlawful policing but shall serve to underscore the importance of determining the factors behind the disproportions and addressing any that involve bias.

9. (1) Each law enforcement agency shall ensure there is an annual review of the data collected by its peace officers under subsection 6 of this section, of the annual report of the attorney general required under subsection 7 of this section, and of the agency's internal data and information. Such review shall analyze all categories of law enforcement activity contained in the attorney general's report to determine whether individual officers in the agency, or the agency as a whole, engage in unlawful policing.

(2) If the review reveals a pattern of disproportion, either systemically or for individual peace officers, the agency shall determine whether the agency or any peace officers of the agency engage in unlawful policing. The review shall examine factors that might be contributing to the disproportion other than bias. Bias shall be assumed to be a factor if other factors do not entirely account for the disproportion.

(a) The agency shall seek to determine the degree to which systemic bias is a contributing factor in creating any pattern of disproportion. In doing so, it shall review policies, supervision, and training.

(b) The agency shall seek to determine the degree to which explicit bias and implicit bias are contributing factors in situations where bias appears to be a factor. If explicit bias

337 cannot be determined to be involved, implicit bias shall be assumed to be a factor in the
338 disproportions.

339 (c) Agencies shall investigate complaints and commendations received from the
340 public in order to determine if they support suggestions in the data that peace officers are
341 acting in ways that result in racial and ethnic disproportions as a result of individual or
342 systemic factors. A summary of these investigations without the names of individuals shall
343 be included in the annual review.

344 (d) No later than September first of each year, the agency shall issue a report to the
345 public explaining the results of the review, including the extent to which disproportions
346 result from bias or from factors other than peace officer bias. The report shall include
347 proposed solutions to any problems identified. Identifying information about individual
348 officers shall not be included in this report.

349 (e) The agency shall correct any problems revealed by the review and immediately
350 provide for appropriate supervision, training, or counseling of any peace officer found to
351 have engaged in unlawful policing. The officer shall be removed from patrol duties until
352 completion of training.

353 (f) Peace officers who persistently engage in unlawful policing shall be subject to
354 discipline, up to and including dismissal.

355 10. Each law enforcement agency with fifty or more peace officers shall create a
356 community partnership and comply with each of the requirements listed below. Agencies
357 with less than fifty peace officers who choose to create a community partnership shall
358 include no fewer than five participants comprised of representatives of law enforcement,
359 community leaders, and educational leaders who reflect the diversity of the local
360 community. No law enforcement agency shall be allowed to file a request to the attorney
361 general seeking a supplemental report using an alternative benchmark unless they have
362 created a community partnership and received its approval to do so. The community
363 partnership shall seek to create mutual understanding between law enforcement and the
364 community about unlawful policing and to provide a forum for each group to listen and
365 respond to the other's concerns. For agencies with more than fifty officers, the partnership
366 shall:

367 (1) Include no less than five participants comprised of representatives of law
368 enforcement, community leaders, and educational leaders who reflect the diversity of the
369 local community;

370 (2) Facilitate workshops and public meetings in the community on racial and other
371 biases;

372 (3) Advise and assist in policy development, recruitment, and hiring of new peace
373 officers, and the training and education of law enforcement agencies on unlawful policing;

374 (4) Annually and formally recognize law enforcement agencies and individual peace
375 officers who have demonstrated strong commitment to addressing issues of unlawful
376 policing and working with the local community;

377 (5) Contribute to the agency's annual review; and

378 (6) Approve or disapprove an agency's request that the attorney general issue a
379 supplemental report using an alternative benchmark.

380 11. (1) If a law enforcement agency has failed, excluding minor technical errors,
381 to comply with any of the requirements of this section for three consecutive years, the
382 attorney general shall order that the jurisdiction or governing body that the law
383 enforcement agency serves be required, from that point forward, to forfeit ten percent of
384 its annual general operating revenue received from fines, bond forfeitures, and court costs
385 for traffic violations, including amended charges for any traffic violations. The forfeited
386 amount shall be paid to the general revenue fund of the state of Missouri, to be designated
387 as additional funds for the peace officers standards and training commission. The penalty
388 shall continue until such time as the requirements are met.

389 (2) If a law enforcement agency reports for three consecutive years a significant
390 disproportion, the attorney general shall study the efforts of the law enforcement agency
391 to achieve lawful policing during the prior three years, including the law enforcement
392 agency's annual review and remediation efforts. If the attorney general determines that
393 a significant disparity exists, the agency shall be subject to review for a period of three
394 years. In each year of the review, the attorney general's office shall repeat its study of the
395 law enforcement agency's records, each time covering the prior three years, to determine
396 if a significant disparity continues.

397 (3) If, in its second year of review, a law enforcement agency reports a significant
398 disproportion, and the attorney general's study determines that a significant disparity
399 exists, and the law enforcement agency cannot show good faith efforts as determined by
400 the attorney general to remedy the disparity, the governor may withhold any state funds
401 appropriated to the law enforcement agency. In addition, the attorney general shall
402 require changes in the agency's policies and practices, including techniques for identifying
403 problem officers, requirements that an officer's ratios of disparity along with any
404 mitigating circumstances be a part of the record used to evaluate promotions and
405 reassignments, training of supervisors in the skills necessary to eliminate unlawful policing,
406 and increasing the quality and quantity of officer training related to unlawful policing.

The attorney general's office shall work with other state agencies to provide financial assistance and expertise to facilitate these changes.

(4) If, in its third year of review, a law enforcement agency reports a significant disproportion and the attorney general's study determines a significant disparity exists, the attorney general shall also study the record of the law enforcement agency during the review period to determine if the disparities are of such magnitude that the law enforcement agency should be further penalized. The attorney general shall take into account whether the agency is making a good faith effort to achieve lawful policing. As a minimum penalty, the agency shall remain under review, with ongoing attorney general oversight, until such time as the agency's annual report shows that a significant disparity no longer exists or until such time as the attorney general's study determines that bias is no longer a significant cause of the disparity. As a maximum penalty, or after six years of review, the attorney general shall order that the governing body or jurisdiction that the law enforcement agency serves be required, from that point forward, to forfeit twenty-five percent of its annual general operating revenue received from fines, bond forfeitures, and court costs for traffic violations, including amended charges for any traffic violations. The forfeited amount shall be paid to the general revenue fund of the state of Missouri, to be designated as additional funds for the peace officers standards and training commission. This penalty shall continue until such time as the law enforcement agency's annual report shows that a significant disparity no longer exists or until such time as the attorney general's study determines that bias is no longer a significant cause of the disparity. In addition, the governor shall withhold any state funds appropriated to the law enforcement agency until such time as the law enforcement agency's annual report shows that a significant disparity no longer exists or until such time as the attorney general's study determines that bias is no longer a significant cause of the disparity.

12. If after seven years or longer of review, the law enforcement agency continues to report significant disparities for any category of officer action for any minority group, the attorney general shall have the authority to bring an action against the law enforcement agency for systemic bias. If the plaintiff is successful, the judge shall order that the law enforcement agency in question be dismantled and that law enforcement responsibilities be taken over by the county or state until such time as the local agency can be reconstituted with newly hired and appropriately trained officers at both the command and the rank-and-file level.

13. All law enforcement agency training shall be in accordance with peace officer standards and training (POST) commission standards on issues related to the prohibition of unlawful policing. The POST commission shall develop and disseminate guidelines and

training on this section for peace officers. The course or courses of instruction and the guidelines shall stress development of effective, noncombative methods of carrying out law enforcement duties in a diverse environment.

(1) Peace officers responsible for hiring shall receive training in how to hire for the purposes of reducing bias in the department.

(2) The course of basic training for peace officers shall include adequate instruction on diverse communities in order to foster mutual respect and cooperation between law enforcement and members of all diverse communities. The facilitators for the training should reflect the diversity of cultures and races that the law enforcement agencies serve and should include community organizers and activists that work on policing issues.

(3) In developing and establishing criteria for the training, the POST commission shall consult with appropriate groups and individuals having an interest and expertise in the fields of implicit bias, fair and impartial policing, civil rights, including disability rights, cultural awareness, and diversity.

(4) Every peace officer shall participate in at least a one-time training as prescribed and certified by the POST commission. The course of instruction shall include:

(a) Constitutional rights, including Second Amendment rights;

(b) Identification of key indices and perspectives that make up differences among residents in a local community;

(c) Negative impacts of implicit and explicit biases, prejudices, and stereotyping on effective law enforcement, including examination of how historical perceptions of discriminatory enforcement practices have harmed police and community relations;

(d) The history and the role of the civil rights movement and struggles and their impact on law enforcement;

(e) Specific obligations of peace officers in preventing, reporting, and responding to discriminatory or unlawful practices by fellow officers; and

(f) Perspectives of diverse, local constituency groups and experts on particular cultural and police and community relations issues in a local area.

(5) Once the initial one-time training is completed, each peace officer shall be required to complete an annual training course that reviews the topics listed in subdivision (4) of this subsection.

14. If any provision of this section or its application to any person or circumstance is held invalid, such determination shall not affect the provisions or applications of this section which may be given effect without the invalid provision or application, and to that end the provisions of this section are severable.

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